

Senate File 2380

H-8462

Amend Senate File 2380, as amended, passed, and reprinted by the Senate, as follows:

1. Page 24, after line 5 by inserting:

<DIVISION

DIVISION OF PROPERTY TAX REVENUE

<Sec. _____. Section 331.502, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 42A. Prepare and submit the report required under section 403.19, subsection 9.

Sec. _____. Section 403.19, subsection 2, Code 2009, is amended to read as follows:

2. a. That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the municipality to pay the principal of and interest on loans, moneys advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, including bonds issued under the authority of section 403.9, subsection 1, incurred by the municipality to finance or refinance, in whole or in part, an urban renewal project within the area, and to provide assistance for low and moderate income family housing as provided in section 403.22, except that. However, except as provided in paragraph "b", taxes for the instructional support program of a school district imposed pursuant to section 257.19 and taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to section 298.2 and taxes for the payment of bonds and interest of each taxing district must be collected against all taxable property within the taxing district without limitation by the provisions of this subsection.

b. (1) However, all All or a portion of the taxes for the physical plant and equipment levy shall be paid by the school district to the municipality if the auditor certifies to the school district by July 1 the amount of such levy that is necessary to pay the principal and interest on bonds issued by the municipality to finance an urban renewal project, which bonds were issued before July 1, 2001. Indebtedness incurred to refund bonds issued prior to July 1, 2001, shall not be included in the certification. Such school district shall pay over the amount certified by November 1 and May 1 of the fiscal year following certification to the school district.

(2) (a) All or a portion of the taxes for the instructional support program levy of a school district shall be paid by the school district to the municipality if the auditor, pursuant to subsection 8, certifies to the school district by July 1 the amount

1 of such levy that is necessary to pay the principal and
2 interest on bonds issued or other indebtedness incurred
3 by the municipality to finance an urban renewal project
4 that was approved at a public hearing on or before the
5 effective date of this division of this Act, if the
6 urban renewal project or the applicable urban renewal
7 plan has not been amended following such approval
8 and if the bonds issued or indebtedness incurred
9 has not been refinanced by the municipality. Such
10 school district shall pay over the amount certified
11 by November 1 and May 1 of the fiscal year following
12 certification to the school district.

13 (b) In lieu of payment to a municipality under
14 subparagraph division (a), a school district may by
15 resolution of the board of directors of the school
16 district approve at a regular meeting of the board
17 of directors the payment of all or a portion of the
18 instructional support program property tax revenue
19 excluded under paragraph "a", to the municipality for
20 the payment of principal and interest on bonds issued
21 or other indebtedness incurred by the municipality for
22 an urban renewal project approved before, on, or after
23 the effective date of this division of this Act.

24 c. Unless and until the total assessed valuation of
25 the taxable property in an urban renewal area exceeds
26 the total assessed value of the taxable property in
27 such area as shown by the last equalized assessment
28 roll referred to in subsection 1, all of the taxes
29 levied and collected upon the taxable property in
30 the urban renewal area shall be paid into the funds
31 for the respective taxing districts as taxes by or
32 for the taxing districts in the same manner as all
33 other property taxes. When such loans, advances,
34 indebtedness, and bonds, if any, and interest thereon,
35 have been paid, all moneys thereafter received from
36 taxes upon the taxable property in such urban renewal
37 area shall be paid into the funds for the respective
38 taxing districts in the same manner as taxes on all
39 other property.

40 d. In those instances where a school district
41 has entered into an agreement pursuant to section
42 279.64 for sharing of school district taxes levied and
43 collected from valuation described in this subsection
44 and released to the school district, the school
45 district shall transfer the taxes as provided in the
46 agreement.

47 Sec. _____. Section 403.19, Code 2009, is amended by
48 adding the following new subsections:

49 NEW SUBSECTION. 8. For any fiscal year, a
50 municipality may certify to the county auditor for

1 instructional support program property tax revenue
2 necessary for payment of principal and interest on
3 bonds issued or other indebtedness incurred for an
4 urban renewal project that was approved at a public
5 hearing on or before the effective date of this
6 division of this Act, if the urban renewal project or
7 the applicable urban renewal plan has not been amended
8 following such approval and if the bonds issued or
9 indebtedness incurred has not been refinanced by the
10 municipality. If for any fiscal year a municipality
11 fails to certify to the county auditor by July 1 the
12 amount of instructional support program property tax
13 revenue necessary for payment of principal and interest
14 on such bonds, as provided in subsection 2, the school
15 district is not required to pay over the revenue to the
16 municipality. If a school district and a municipality
17 are unable to agree on the amount of instructional
18 support program property tax revenue certified by the
19 municipality, either party may request that the state
20 appeal board review and finally pass upon the amount
21 that may be certified. Such appeals must be presented
22 in writing to the state appeal board no later than
23 July 31 following certification. The burden shall be
24 on the municipality to prove that the instructional
25 support program property tax revenue is necessary to
26 pay principal and interest on the applicable bonds. A
27 final decision must be issued by the state appeal board
28 no later than the following October 1.

29 NEW SUBSECTION. 9. The county auditor shall
30 prepare an annual report of all urban renewal projects
31 or urban renewal plans within the county that utilized
32 a division of revenue under this section and that were
33 terminated or that expired during the previous fiscal
34 year. Such report shall be submitted to the department
35 of management each year on or before October 1.

36 Sec. ____. EFFECTIVE UPON ENACTMENT AND
37 APPLICABILITY. This division of this Act, being deemed
38 of immediate importance, takes effect upon enactment
39 and applies to property taxes due and payable in fiscal
40 years beginning on or after July 1, 2010.>

41 2. By renumbering as necessary.

ISENHART of Dubuque

SCHUELLER of Jackson

STRUYK of Pottawattamie